

**Neifeld Docket No:** HENN0014UPCT-US

**Application/Patent No:** 09/719,881

**USPTO CONFIRMATION NO:** 7109

**File/Issue Date:** 1/10/2001

**Inventor/title:** Puttkammer/Marking substances and security markings and method of their integration in paper pulp lines and method of testing

**Examiner/ArtUnit:** Fridie, Jr./3722

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**ALEXANDRIA, VA 22313**

**37 CFR 1.705 APPLICATION FOR PATENT TERM ADJUSTMENT**

**I. Statement of the Precise Relief Requested**

The patentee requests that the Director change the notice of term extension under 35 USC 154(b) from 0 days to 57 days due to correct the PTO's erroneous reduction of period of adjustment of 57 days.

**II. Material Facts in Support of the Petition**

1. The Director determined a 0 day patent term extension, as noted on the Notice of Allowance mailed September 20, 2007.

2. On December 18, 2000, the applicant filed a US national stage application under 35 USC 371. The application filing date is January 10, 2001.

3. On March 8, 2004, the application was abandoned for failure to respond to an office action.

4. On February 17, 2006, the applicant filed a request for continued examination and a petition to revive the application. The petition to revive the application was granted March 16, 2006.

5. On March 29, 2007, the applicant filed an amendment after final rejection.

6. On September 20, 2007, the USPTO mailed the notice of allowance.

**III. Reasons Why the Relief Requested Should be Granted**

**A. Adjustment Due to PTO Delay**

The term extension applicable under the 35 USC 154 is calculated as follows:

1. Applicant filed an amendment after final rejection: March 29, 2007.
2. The USPTO mailed the notice of allowance: September 20, 2007.
3. 35 USC 154(b)(1)(A)(ii) provides that the term of the patent shall be extended 1 day for each day that the PTO fails to respond to a reply under section within 4 months after the date on which the reply was filed.
4. October 20, 2007 is 57 days following the 4-month period after the filing date of the notice after allowance of March 29, 2007.

**B. Erroneous Reduction of Period of Adjustment by the PTO**

The USPTO calculated that there is no period of adjustment.

**C. Why the Reduction was Erroneous**

The delay in sending the notice of allowance was entirely the fault of the Office, and was not any fault on the part of the applicant. Therefore, there should be no reduction in the period of adjustment of 57 days.

**IV. Conclusion**

The Director should grant the petition to change the notice of term extension under 35 USC 154(b) from 0 days to 57 days.

**V. Fee under 37 CFR 1.18(e)**

A check in the amount of \$200 to cover the fee for filing an application for the patent term adjustment is submitted herewith.

Respectfully submitted,

/RichardNeifeld#35,299/

10-26-2007

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Neifeld, Ph.D.  
Registration No: 35,299  
Attorney of Record

Printed: October 26, 2007 (11:36am)

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# List of Exhibits

Exhibit 1: A copy of the USPTO web site's PAIR printout for United States Patent Application Number 09/719,881 showing the dates recorded by the USPTO for filing and mailing of papers in this application.

Exhibit 1



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09/719,881

MARKING SUBSTANCES AND SECURITY MARKING  
PULP LINE AND METHOD FOR TESTING THE S

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## Transaction History

Date	Transaction Description
09-29-2007	Mail Post Card
09-21-2007	Email Notification
09-20-2007	Mail Notice of Allowance
09-17-2007	Document Verification
07-11-2007	Notice of Allowance Data Verification Completed
07-09-2007	Document Verification
04-05-2007	Date Forwarded to Examiner
03-29-2007	Amendment after Final Rejection
02-26-2007	Mail Final Rejection (PTOL - 326)
02-20-2007	Final Rejection
12-04-2006	Date Forwarded to Examiner
11-15-2006	Response after Non-Final Action
08-25-2006	Mail Non-Final Rejection
08-21-2006	Non-Final Rejection
06-19-2006	Date Forwarded to Examiner
06-13-2006	Response after Non-Final Action
06-02-2006	Mail Non-Final Rejection
05-30-2006	Non-Final Rejection
03-26-2006	IFW TSS Processing by Tech Center Complete
03-22-2006	Date Forwarded to Examiner
03-22-2006	Date Forwarded to Examiner
02-17-2006	Request for Continued Examination (RCE)
03-22-2006	DISPOSAL FOR A RCE/CPA/129 (express abandonment)
03-16-2006	Correspondence Address Change
03-16-2006	Mail-Petition to Revive Application - Granted
02-17-2006	Petition Entered
02-17-2006	Workflow - Request for RCE - Begin
03-09-2004	Mail Abandonment for Failure to Respond to Office Action
03-08-2004	Abandonment for Failure to Respond to Office Action
10-07-2003	Mail Advisory Action (PTOL - 303)
10-06-2003	Advisory Action (PTOL-303)
09-24-2003	Date Forwarded to Examiner

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09-15-2003	Amendment after Final Rejection	
09-12-2003	Request for Extension of Time - Granted	407
06-03-2003	Mail Final Rejection (PTOL - 326)	
06-02-2003	Final Rejection	
03-12-2003	Request for Extension of Time - Denied	
03-26-2003	Date Forwarded to Examiner	
03-07-2003	Response after Non-Final Action	
03-07-2003	Request for Extension of Time - Granted	
03-14-2003	Incoming Letter Pertaining to the Drawings	1076
02-19-2003	Request for Extension of Time - Granted	
10-07-2002	Mail Non-Final Rejection	
10-01-2002	Non-Final Rejection	1072
01-10-2001	Preliminary Amendment	
04-05-2002	Case Docketed to Examiner in GAU	
12-22-2001	Transfer Inquiry to GAU	
12-22-2001	Transfer Inquiry to GAU	
07-10-2001	Application Dispatched from OIPE	
07-06-2001	IFW Scan & PACR Auto Security Review	
06-13-2001	Released to OIPE	
06-13-2001	Notice of DO/EO Acceptance Mailed	
01-10-2001	Applicant 371 Filing Paper Received	
02-23-2001	Applicant 371 Filing Paper Received	
04-23-2001	Notice of DO/EO Missing Requirements Mailed	
01-10-2001	Applicant 371 Filing Paper Received	1071
01-31-2001	Notice of DO/EO Missing Requirements Mailed	1071
01-25-2001	371 Application Preexamination Docketing	
01-25-2001	371 Application Preexamination Docketing	
01-08-2001	371 Application Preexamination Docketing	
12-18-2000	Receipt of 371 Request	
01-08-2001	Correspondence Address Change	
01-10-2001	Initial Exam Team nn	

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